

## HOUSE BILL NO. 370

INTRODUCED BY J. POMNICHOWSKI

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING UNIFORM PENALTIES FOR VIOLATIONS OF ZONING  
5 LAWS, ORDINANCES, OR REGULATIONS; PROVIDING THAT A VIOLATION OF A ZONING LAW,  
6 ORDINANCE, OR REGULATION IS AN ABSOLUTE LIABILITY OFFENSE; ALLOWING A GOVERNING BODY  
7 TO PROVIDE CIVIL PENALTIES; PROVIDING THAT EACH DAY OF VIOLATION CONSTITUTES A SEPARATE  
8 VIOLATION; AMENDING SECTIONS 76-2-211 AND 76-2-315, MCA; AND PROVIDING AN IMMEDIATE  
9 EFFECTIVE DATE."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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13 NEW SECTION. **Section 1. Violations and penalties.** (1) A violation of this part or of a resolution  
14 adopted pursuant to this part is a misdemeanor and is punishable by a fine of up to \$500 or by imprisonment in  
15 the county jail for a term not exceeding 6 months, or both. The violation is an absolute liability offense as provided  
16 for in 45-2-104.

17 (2) The governing body may also provide civil penalties not to exceed \$100 for a violation of this part or  
18 of a resolution adopted pursuant to this part. Each day of violation constitutes a separate violation.

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20 **Section 2.** Section 76-2-211, MCA, is amended to read:  
21 **"76-2-211. Violations and penalties.** (1) A violation of this part or ~~any of a~~ resolution adopted pursuant  
22 ~~thereto~~ to this part is a misdemeanor and ~~shall be~~ is punishable by a fine ~~not exceeding~~ of up to \$500 or ~~by~~  
23 imprisonment in the county jail for a term not exceeding 6 months, or both. The violation is an absolute liability  
24 offense as provided for in 45-2-104.

25 (2) The governing body may also provide civil penalties not to exceed \$100 for a violation of this part or  
26 of a resolution adopted pursuant to this part. Each day of the violation constitutes a separate violation."

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28 **Section 3.** Section 76-2-315, MCA, is amended to read:  
29 **"76-2-315. Violations and penalties.** (1) A violation of this part or of ~~such an~~ ordinance or regulation  
30 ~~made~~ adopted pursuant to 76-2-308(1) is a misdemeanor, and ~~such the~~ city or town council or other legislative

1 body may provide for the punishment ~~thereof of the violation~~ by a fine of up to \$500, ~~or by imprisonment in the~~  
 2 county jail for a term not exceeding 6 months, or both. The violation is an absolute liability offense as provided  
 3 for in 45-2-104.

4 (2) ~~It is also empowered to~~ The city or town council or other legislative body may also provide civil  
 5 penalties not to exceed \$100 for such a violation of this part or of an ordinance or regulation adopted pursuant  
 6 to 76-2-308(1). Each day of violation constitutes a separate violation."

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 8 **NEW SECTION. Section 4. Codification instruction.** [Section 1] is intended to be codified as an  
 9 integral part of Title 76, chapter 2, part 1, and the provisions of Title 76, chapter 2, part 1, apply to [section 1].

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 11 **NEW SECTION. Section 5. Effective date.** [This act] is effective on passage and approval.

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